

Appendix 20

Emails between 17 October 2023 from Dorset to DMH Stallard (for the TRF).

Church, Taylor

From: Vanessa Penny <vanessa.penny@dorsetcouncil.gov.uk>
Sent: 17 October 2023 16:52
To: Church, Taylor
Cc: Karamian, Chloe
Subject: RE: Urgent - Beaminster at Crabb's Barn Lane, Definitive Map and Statement Modification Order 2020 [DMHS-DMS.FID7479799]
Attachments: 1903 25inch OS -2.pdf; Draft Map -1.jpg; Draft Map -2.jpg; First Definitive -1.jpg; First Definitive -2.jpg; Parish Survey.jpg; Provisional map -1.jpg; Provisional map -2.jpg; Revised Draft -1.jpg; Revised Draft -2.jpg; Sealed Def Map 1989.jpg; T354 Special Review.pdf; 1903 25inch OS -1.pdf; Bartholomews Map.jpg; Crutchleys Map.jpg; Johnstones motoring Map.jpg; Ministry of Transport.jpg; Philips Map.jpg; Doc evidence.pdf; Definitive Statement (working copy) Beaminster Parish.docx

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Dear Taylor

Thank you for the clarification. We do not have any earlier Highways Records.

I have attached all the other documents you have requested apart from those already included within our Appendix 5 and the 1958 OS map which appears to be missing from our file. This OS map can, however, be accessed on the National Library of Scotland website - [Home | National Library of Scotland \(nls.uk\)](https://www.nls.uk)

Kind regards

Vanessa Penny
Definitive Map Team Manager
Definitive Map Team
Economic Growth and Infrastructure
Dorset Council

[01305 224719](tel:01305224719)
[dorsetcouncil.gov.uk](https://www.dorsetcouncil.gov.uk)



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From: Church, Taylor <taylor.church@dmhstallard.com>
Sent: Tuesday, October 17, 2023 2:20 PM
To: Vanessa Penny <vanessa.penny@dorsetcouncil.gov.uk>
Cc: Karamian, Chloe <Chloe.Karamian@dmhstallard.com>
Subject: RE: Urgent - Beaminster at Crabb's Barn Lane, Definitive Map and Statement Modification Order 2020 [DMHS-DMS.FID7479799]

Dear Vanessa

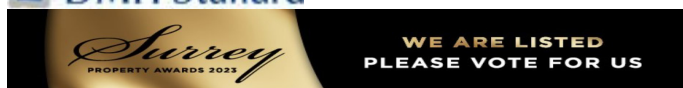
Further to my email below, please see below copy of extract from Annex 5 of your Statement of Case:

1951	Parish survey map	Shows the whole length of the claimed byway as a solid green line denoting a bridleway.
1953	Draft map	Shows the whole length of the claimed byway as a solid green line denoting a bridleway.
1958	Two and a half inch Ordnance Survey map	Shows the greater part of the route as a lane. A short section to the north of point G appears to be unfenced on the southern side.
1964	Provisional map	The provisional map of 1964 shows the north-western end of the claimed path as a bridleway, numbered 17, which corresponds to the present line of bridleway 17 between points A, B and C on plan 18/13. The provisional map shows bridleway 35 running between points E and F; that is, between the access road to Higher Langdon Farm and bridleway 33, at point E, and the present north- western end of bridleway 35 at its junction with the publicly maintainable highway at point F.
1966	First Definitive map	The First Definitive map, dated 13th June 1966, shows the same detail in respect of the claimed byway as the provisional map of 1964.
1974	Revised draft map	The revised draft map of 1974 shows the north- western end of the claimed path as a bridleway, numbered 17, which corresponds with the present line of bridleway 17 between points A, B and C. On the revised draft map, however, bridleway 35 is not shown. The revised draft map does show any public rights of way over the route between C and Dirty Gate. Given that a number of public rights of way shown on the Revised Draft map, footpath 28 and bridleways 33 and 34, join the way shown on the Ordnance Survey base map between C and Dirty Gate, the assumption must be that this way carried public rights. As it was not deemed appropriate to record these rights on the revised draft map, it seems likely that it was considered that they were vehicular rights that did not require recording on the definitive map.
1973/77	Special Review	The Council's files contain a form, included in correspondence with the definitive map, entitled 'Dorset County Council Special Review of Definitive map of Public Rights of Way, which proposed that the way should be recorded that the way should be recorded as a byway open to all traffic. The description of the path in this form is similar to that of the awarded carriage road in the Inclosure Award of 1809. There is a reference on the form to the route being a Road Used as Public Path (RUPP). The committee's decision was
		that the route 'should be shown as a county road because of its origin in the Inclosure Award.' There does not appear to have been any further correspondence or submission of other evidence to back-up the proposal that the way should be recorded as a byway open to all traffic.
1989	Sealed Definitive map	Shows the north-western end of the claimed byway, between points A, B and C as a bridleway, numbered 17. Between points E and F the path is shown as a bridleway, numbered 35. The remaining length of the claimed byway are not shown.

Kind regards
Taylor

Taylor Church | Trainee Solicitor | Tel: 01293 605598 |
For and on behalf of DMH Stallard LLP
Griffin House, 135 High Street, Crawley, West Sussex, RH10 1DQ

 DMH Stallard



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From: Church, Taylor

Sent: 17 October 2023 14:11

To: Vanessa Penny <vanessa.penny@dorsetcouncil.gov.uk>

Cc: Karamian, Chloe <Chloe.Karamian@dmhstallard.com>

Subject: RE: Urgent - Beaminster at Crabb's Barn Lane, Definitive Map and Statement Modification Order 2020 [DMHS-DMS.FID7479799]

Dear Vanessa

Thank you for your email to Chloe.

In response to your queries:

1. The earlier highway records we requested was mainly the handover records, but I understand there is none. If you have any earlier records as to what highways were, historically, regarded as maintainable at public expense, then these would be helpful.

4. By Definitive Map Records, we are referring to the documents mentioned in Annex 5 of your Statement of Case (extract copied below). If you have any accompanying statements (draft, provisional and definitive), these may be helpful.

Kind regards

Taylor

From: Vanessa Penny <vanessa.penny@dorsetcouncil.gov.uk>

Sent: 17 October 2023 11:44

To: Karamian, Chloe <Chloe.Karamian@dmhstallard.com>

Cc: Church, Taylor <taylor.church@dmhstallard.com>

Subject: RE: Urgent - Beaminster at Crabb's Barn Lane, Definitive Map and Statement Modification Order 2020 [DMHS-DMS.FID7479799]

PLEASE EXERCISE CAUTION - This message originated outside your firm.

Dear Chloe

Thank you for your emails.

In response to your first email:

I can confirm that Dorset Council has already submitted an objection to the modification to the order.

We have not provided to the Inspector the documents to which he refers in the interim decision as having been relied upon by the Council in their determination, but which did not reach him. The majority of these maps are included on the FODROW CDs, copies of which have been provided to the TRF recently and therefore should be available to you.

With regard to the user evidence forms, you will note from the Council's Committee report that two consultations were undertaken, one in 2009 and one in 2018. The user evidence forms are dated 2008, 2009 and 2010. None of the user evidence forms were provided by the applicant. They were all submitted by individual members of the public and members of the TRF. Most of the forms were received in response to our consultations, however some were received prior to that from people who became aware of the application and wished to provide evidence in support.

In response to your second email:

1. What was shown on the List of Streets as at 2/5/06 (list not available, map only) and now (list and map) is attached. There are no handover records for this area. Please clarify what you mean by "earlier highway records".
2. The List of Streets was held as a list on 2/5/06 with an accompanying map.
3. My colleague is collating the requested documents. They will be forwarded as soon as possible.
4. Please clarify what you mean by "Definitive Map records".

Kind regards

Vanessa Penny
Definitive Map Team Manager
Definitive Map Team
Economic Growth and Infrastructure
Dorset Council

[01305 224719](tel:01305224719)
dorsetcouncil.gov.uk



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From: Karamian, Chloe <Chloe.Karamian@dmhstallard.com>

Sent: Tuesday, October 17, 2023 10:06 AM

To: Vanessa Penny <vanessa.penny@dorsetcouncil.gov.uk>

Cc: Church, Taylor <taylor.church@dmhstallard.com>

Subject: RE: Urgent - Beaminster at Crabb's Barn Lane, Definitive Map and Statement Modification Order 2020 [DMHS-DMS.FID7479799]

Importance: High

Good morning Vanessa

Further to my below email, we would be grateful if you could provide us with the following:

1. What is shown on the list of streets (now and as at 2/5/06) and earlier highways records, including handover records, as respects all of the claimed route (i.e. (a) A-C; (b) C-D-E-F-G-H-I) plus (c) to 'Dirty Gate'.
2. Confirmation as to the form in which the list of streets was held as at 2/5/06. Was it just a list?

3. Copies of the documents listed in Appendix 5 to the Council's Statement of Case (note these should also be provided to the Inspector before Thursday);
4. The Definitive Map records.

We look forward to hearing from you.

Kind regards

Chloe Karamian | Partner | Tel: 01293 605568 |
For and on behalf of DMH Stallard LLP
Griffin House, 135 High Street, Crawley, West Sussex, RH10 1DQ



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From: Karamian, Chloe

Sent: 16 October 2023 17:24

To: vanessa.penny@dorsetcouncil.gov.uk

Cc: Church, Taylor <taylor.church@dmhstallard.com>

Subject: Urgent - Beaminster at Crabb's Barn Lane, Definitive Map and Statement Modification Order 2020 [DMHS-DMS.FID7479799]

Dear Vanessa

ROW/3278538

Dorset Council (A Byway Open to All Traffic) Beaminster at Crabb's Barn Lane, Definitive Map and Statement Modification Order 2020

We act on behalf of the Trail Riders Fellowship (TRF) in respect of the above mentioned DMMO submitted to PINS.

Please could you confirm that the Council will be objecting to the modification and pressing the case that all of C-D-E-F-G-H-I is a public vehicular highway.

Please could you also confirm that the Council will be providing to the Inspector the documents to which he refers in the interim decision as having been relied upon by the Council in their determination, but which did not reach the Inspector.

Finally, you may recall that in the Cheselbourne case (Bridleway 8 (part) Cheselbourne and Bridleway 18 Dwelish) you confirmed to our client that the further evidence (the user evidence) came about because the Council solicited it and thus could not be said to be a deficiency as to the original application. The email is attached and the relevant part reads:

'...With regard to the user evidence forms, Dorset County Council (as it was then) undertook a consultation process inviting the public and various interested parties (including the TRF) to submit evidence in January 2006 and also in September 2009. The user evidence forms were submitted to us in Feb/Mar 2010 in response to these consultations and as part of our investigation. They cannot be considered to have been submitted as part of the application by the applicant, as the applicant at that time was still FoDRoW/ Jonathan Stuart. As you know, the TRF did not take over the application until 4 October 2010.'

This email was written in the context of Cheselbourne (i.e. another of the Dorset map scale routes), but presumably the same applies to this route. Are you able to please provide a similar confirmation for this route?

We are preparing our representations this week and would be grateful for your prompt response.

We look forward to hearing from you.

Kind regards

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